

passed the House February 3, 1939, from the Senate for the purpose of a more thorough explanation and revision.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

February 15, 1939

House Bill No. 386.

House Concurrent Resolution No. 36.

TWENTY-THIRD DAY

(Thursday, February 16, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Crossley
Allen	Daniel
Allison	Davis of Jasper
Alsup	Davis of Upshur
Anderson	Dean
Bailey	Derden
Baker	Dickison
of Fort Bend	Dickson
Baker of Grayson	Donaghey
Bell	Dowell
Blankenship	Dwyer
Bond	Faulkner
Boyd	Felty
Boyer	Ferguson
Bradbury	Fielden
Bradford	Fuchs
Bray	Galbreath
Bridgers	Gilmer
Broadfoot	Goodman
Brown of Cherokee	Gordon, Mrs.
Brown	Hale
of Nacogdoches	Hamilton
Bundy	Hankamer
Burkett	Hardeman
Burney	Hardin
Cauthorn	Harp
Celaya	Harper
Chambers	Harrell of Bastrop
Clark	Harrell of Lamar
Cleveland	Harris
Cockrell	Hartzog
Coleman	Heflin
Colquitt	Holland
Colson, Mrs.	Howard
Cornett	Howington
Corry	Hull

Hunt	Reader of Bexar
Isaacks	Reader of Erath
Johnson of Ellis	Reaves
Johnson of Tarrant	Reed
Keith	Rhodes
Kennedy	Riviere
Kern	Roach
Kerr	Roberts
Kersey	Robinson
Kinard	Russell
King	Schuenemann
Langdon	Segrist
Lehman	Shell
Leonard	Skiles
Leyendecker	Smith of Frio
Little	Smith of Hopkins
Lock	Smith
Loggins	of Matagorda
London	Spencer
Mays	Stinson
McAlister	Stoll
McDaniel	Talbert
McDonald	Tarwater
McFarland	Taylor
McMurry	Tennant
McNamara	Thornberry
Mohrmann	Thornton
Monkhouse	Turner
Montgomery	Vale
Morris	Vint
Newell	Waggoner
Nicholson	Weldon
Oliver	Wells
Olsen	Westbrook
Pace	White
Petsch	Wilson
Pevehouse	Winfree
Piner	Wood
Pope	Worley
Ragsdale	Wright

Absent—Excused

Voigt

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, as opposing tides of sentiment surge around us we are often confused, and our ways are not clear. We know that at best our efforts are imperfect. But wilt Thou, O, God, make bare Thine arm and help us to separate the chaff from the wheat, and to do those things that will be creditable to us and helpful to all. In Christ's name. Amen."

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence on account of illness:

Mr. Voigt for today, on motion of Mr. Riviere.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Hardeman, Mr. Hull, Mr. Reader of Erath and Mr. Chambers:

H. B. No. 562, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue Fund of the State of Texas for the Livestock Sanitary Commission for additional support and maintenance of the Livestock Sanitary Commission for the balance of the fiscal year ending August 31, 1939, to cover the office expenses, traveling expenses, indemnity, bangs reactor to cattle and goat owners; providing salaries of Inspectors; providing for the regulations for which appropriations shall be expended and under which such Inspectors shall be employed, etc., and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Hardeman:

H. B. No. 563, A bill to be entitled "An Act to prohibit the sale of cattle infected, or known to be infected, with Bang's disease, for milk purposes, by any person; prescribing a penalty, and declaring an emergency."

Referred to the Committee on Livestock and Stock Raising.

By Mr. Hardeman:

H. B. No. 564, A bill to be entitled "An Act amending Subdivision (b) of the first paragraph of Article 2529 of the Revised Statutes of Texas, amended by Acts of 1937, Forty-fifth Legislature, page 319, Chapter 164, Section 1, so as to henceforth include within its provisions bonds issued by the Federal Farm Mortgage Corporation and consolidated Federal Land Bank bonds, declaring that all laws in conflict herewith are hereby repealed, fixing the effective date of this Act, and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Mr. Hardeman:

H. B. No. 565, A bill to be entitled "An Act to amend Section 3 of Chapter 506 of the General Laws of the State of Texas passed at the Regular

Session of the Forty-fifth Legislature providing for parties and procedure in tax suits; and providing for persons owning property or an interest therein whose names are unknown to be made parties in such suits under designation of 'Unknown Owner or Owners' of such property; providing for heirs of deceased persons whose names are unknown to be made parties to such suits under designation of 'Unknown Heirs' of such deceased person; providing for citation and service upon defendants in such suits whose residence is known and upon absent and non-resident defendants; and providing for notice to be given by publication or posting and prescribing the form and manner of giving such notice, in cases where defendants in such suits are non-residents of the State, and where the names of owners are unknown to the attorney filing the suit, and where defendants are the heirs of deceased person and their names are unknown; and providing that citation or notice on behalf of any taxing unit shall require all parties to the suit to plead and answer all pleadings then on file or thereafter filed by any party to the suit, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Wright:

H. B. No. 566, A bill to be entitled "An Act authorizing persons residing in County Line School Districts and who are otherwise qualified voters to vote for County School Trustees of the County having management and control of such County Line School District, even though such voters reside in that portion of the County Line District lying outside of the County having management and control of the County Line District; repealing all laws and parts of laws in conflict herewith to the extent of such conflict, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Reed:

H. B. No. 567, A bill to be entitled "An Act to provide for the creation of a Commission on Uniform State Laws, the appointment of Commissioners thereto, defining the duties thereof, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Dean, Mr. Tennant and Mr. Fielden:

H. B. No. 568, A bill to be entitled "An Act to raise revenues for the support of the State government by levying and providing for the collection of an occupation tax on the processing of oil within this State; providing relief from the payment of all or a portion of such tax on certain oil under prescribed conditions; defining offenses and prescribing penalties necessary and incidental thereto; providing for the disposition of funds collected under the provisions of the Act; declaring the intention of the Legislature that the balance of the Act should remain in effect although a part thereof may be unconstitutional, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Felty, Mr. Dickson, Mr. Tennant and Mr. Talbert:

H. B. No. 569, A bill to be entitled "An Act to amend Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1, Chapter 15, of the Acts of the Forty-fifth Legislature, Regular Session of 1937, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Davis of Upshur:

H. B. No. 570, A bill to be entitled "An Act to appropriate the sum of \$889.63 to the Texas Liquor Control Board for the purpose of paying for the treatment and hospitalization of a prisoner."

Referred to the Committee on Appropriations.

By Mr. Schuenemann, Mr. Thornton, Mr. Tennant, Mr. Shell, Mr. Heflin, Mr. Hankamer, Mr. Reed, Mr. Wood, Mr. Cauthorn, Mr. Hull, Mr. Vale and Mr. Smith of Matagorda:

H. B. No. 571, A bill to be entitled "An Act to amend Paragraph 2, Section 13, of House Bill No. 133, Acts of the First Called Session of the Forty-fifth Legislature."

Referred to the Committee on Appropriations.

By Mr. Reed, Mr. Segrist, Mr. Stinson, Mr. McDaniel, Mr. Colquitt and Mr. Blankenship:

H. B. No. 572, A bill to be entitled "An Act authorizing the transfer of

causes from the County Criminal Court of Dallas County, Texas, to the County Courts at Law of Dallas County, Texas, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Heflin:

H. B. No. 573, A bill to be entitled "An Act to prohibit the possession of any marble table, slot machine, punch board or other similar device; defining certain terms; declaring a penalty; repealing all laws licensing such devices; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Heflin:

H. B. No. 574, A bill to be entitled "An Act prohibiting all Burial Associations or Death Benefit Associations operating on an assessment basis from doing business in this State, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Bell:

H. B. No. 575, A bill to be entitled "An Act defining bedding to include mattresses, pillows, bolsters, feather beds, etc.; requiring the labelling of bedding as to whether new or second-hand materials are used; prohibiting the use of materials from dump-grounds, junk yards and hospitals; requiring the germicidal treatment of second-hand materials; authorizing the State Board of Health with enforcement; requiring permits for manufacture, repair or renovation and application of germicidal process; the payment of fees for permits; providing for the issuance of adhesive stamps and registration for selling bedding; providing that proceeds be placed in special Bedding Sanitation Fund for use in administration of Act; providing a penalty; requiring bedding manufacturers or renovators to keep premises sanitary; excepting all bedding manufactured, repaired, renovated and/or sold prior to effective date; providing that if any part of this Act shall be declared unconstitutional, it shall not affect any other part thereof, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Alsup:

H. B. No. 576, A bill to be entitled "An Act to provide that the Commissioners' Courts in counties having a population of more than 20,000, according to the last preceding Federal Census, shall have authority to fix salaries of county officials; prescribing the maximum salary; providing when this law shall become effective; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. King:

H. B. No. 577, A bill to be entitled "An Act declaring it unlawful for any person committing such acts as would justify a civil suit against him of forcible entry and detainer; providing a penalty for the violation of this Act, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Corry, Mr. Chambers, Mr. Howington and Mr. Stoll:

H. B. No. 578, A bill to be entitled "An Act to effect economy and the rendition of a more efficient service in the administration of several agricultural regulatory agencies; consolidating several Commissions, Boards, Bureaus, Institutions, Service and Departments into the Department of Agriculture and Markets; providing for a non-salary supervising Commission of seven members; providing for an executive officer and salary, duties, and powers of same; providing qualifications, terms of office, and salary and expense limitations; providing for the repeal of all laws or parts of laws in conflict herewith, if any Section, sentence, clause or part of this Act is declared unconstitutional it shall affect the remaining Sections or parts of this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

RELATIVE TO HOUSE BILL NO. 81

Mr. Baker of Grayson asked unanimous consent of the House, that House Bill No. 81 be amended so as to include an enacting clause.

There was no objection offered, and it was so ordered.

HOUSE BILL NO. 415 RE-REFERRED

Mr. Schuenemann moved that House Bill No. 415 be withdrawn from the Committee on Criminal Jurisprudence, and referred to the Committee on Game and Fisheries.

The motion prevailed.

RELATIVE TO HOUSE BILL NO. 442

Mr. Boyer moved that House Bill No. 442 be recommitted to the Committee on Revenue and Taxation.

Mr. Tennant moved to table the motion by Mr. Boyer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—87

Allison	Harrell of Bastrop
Alsup	Harrell of Lamar
Anderson	Heflin
Bailey	Holland
Baker	Howington
of Fort Bend	Hunt
Baker of Grayson	Isaacks
Bell	Johnson of Tarrant
Blankenship	Kennedy
Boyd	Kern
Bradbury	Kersey
Bray	Langdon
Bridgers	Lehman
Broadfoot	Leyendecker
Brown of Cherokee	Lock
Brown	London
of Nacogdoches	McDaniel
Bundy	McDonald
Celaya	McFarland
Chambers	Monkhouse
Cleveland	Montgomery
Cockrell	Morris
Colquitt	Oliver
Colson, Mrs.	Olsen
Cornett	Petsch
Corry	Piner
Crossley	Reaves
Davis of Jasper	Rhodes
Davis of Upshur	Roach
Dean	Roberts
Derden	Russell
Dowell	Segrist
Faulkner	Smith of Frio
Fielden	Smith of Hopkins
Fuchs	Smith
Galbreath	of Matagorda
Gordon, Mrs.	Spencer
Hamilton	Stinson
Hardeman	Talbert
Harper	Tennant

Thornberry
Turner
Vale
Vint
Waggoner

Weldon
Wells
Westbrook
Winfree
Wright

Nays—52

Allen
Bond
Boyer
Bradford
Burkett
Burney
Cauthorn
Clark
Coleman
Daniel
Dickson
Dwyer
Felty
Ferguson
Gilmer
Hale
Hankamer
Hardin
Harp
Harris
Howard
Johnson of Ellis
Keith
Kerr
King
Leonard

Little
Loggins
McAlister
McMurry
McNamara
Mohrmann
Newell
Nicholson
Pace
Pevehouse
Pope
Reader of Bexar
Reader of Erath
Reed
Riviere
Robinson
Schuenemann
Skiles
Stoll
Tarwater
Taylor
Thornton
White
Wilson
Wood
Worley

Absent

Dickison
Donaghey
Goodman
Hartzog
Hull

Kinard
Mays
Ragsdale
Shell

Absent—Excused

Voigt

CONCERNING INSTRUCTIONS TO
COMMITTEE ON STATE
AFFAIRS

Mr. Bradbury moved that the Committee on State Affairs be instructed to report to the House, prior to February 27, a bill relative to old age assistance.

Mr. Hartzog moved to table the motion.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—57

Bell
Bond

Boyer
Bradford

Bray
Broadfoot
Cauthorn
Celaya
Colson, Mrs.
Crossley
Daniel
Dean
Donaghey
Felty
Galbreath
Gilmer
Goodman
Gordon, Mrs.
Hankamer
Harp
Hartzog
Howard
Johnson of Tarrant
Kersey
Lock
Loggins
Mays
McAlister
McDaniel
McDonald
McFarland

McNamara
Mohrmann
Monkhouse
Montgomery
Nicholson
Olsen
Petsch
Reaves
Riviere
Robinson
Schuenemann
Segrist
Shell
Smith of Frio
Smith
of Matagorda
Stinson
Stoll
Taylor
Thornberry
Thornton
Turner
Waggoner
White
Wilson
Winfree
Wood

Nays—76

Allen
Allison
Alsup
Bailey
Baker of Grayson
Blankenship
Boyd
Bradbury
Brown of Cherokee
Brown
of Nacogdoches
Bundy
Burkett
Burney
Chambers
Clark
Cleveland
Cockrell
Coleman
Cornett
Corry
Davis of Jasper
Davis of Upshur
Derden
Dickson
Dowell
Dwyer
Ferguson
Fielden
Fuchs
Hale
Hamilton
Hardeman
Hardin

Harper
Harrell of Bastrop
Harrell of Lamar
Heflin
Holland
Howington
Hull
Hunt
Isaacks
Johnson of Ellis
Keith
Kennedy
Kern
Kerr
King
Langdon
Lehman
Leyendecker
London
McMurry
Morris
Newell
Oliver
Pace
Pevehouse
Piner
Reader of Bexar
Reader of Erath
Reed
Rhodes
Roach
Roberts
Russell
Skiles

Smith of Hopkins	Wells
Spencer	Westbrook
Talbert	Worley
Tennant	Wright
Weldon	

Present—Not Voting

Vint

Absent

Anderson	Kinard
Baker	Leonard
of Fort Bend	Little
Bridgers	Pope
Colquitt	Ragsdale
Dickison	Tarwater
Faulkner	Vale
Harris	

Absent—Excused

Voigt

Mr. Bradbury then moved that all bills relative to old age assistance, now before the State Affairs Committee, be reported to the House, prior to next February 27.

Question recurring on the motion by Mr. Bradbury, yeas and nays were demanded.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—86

Allen	Dwyer
Allison	Faulkner
Anderson	Ferguson
Bailey	Fielden
Baker	Fuchs
of Fort Bend	Goodman
Baker of Grayson	Hale
Blankenship	Hamilton
Boyd	Hardin
Bradbury	Harp
Bray	Harrell of Bastrop
Broadfoot	Harrell of Lamar
Brown of Cherokee	Harris
Brown	Heflin
of Nacogdoches	Holland
Bundy	Howington
Burkett	Hull
Chambers	Hunt
Cockrell	Isaacks
Coleman	Johnson of Ellis
Cornett	Keith
Corry	Kennedy
Crossley	Kern
Davis of Jasper	Kerr
Davis of Upshur	Kersey
Derden	King
Dowell	Lehman

Lock	Roberts
Loggins	Russell
London	Skiles
McDonald	Smith of Hopkins
McMurry	Spencer
Montgomery	Stoll
Morris	Tarwater
Newell	Tennant
Oliver	Turner
Pace	Vint
Piner	Waggoner
Reader of Bexar	Weldon
Reader of Erath	Wells
Reaves	Westbrook
Reed	Winfree
Rhodes	Worley
Roach	Wright

Nays—46

Alsup	Little
Bell	McAlister
Bond	McDaniel
Boyer	McFarland
Bradford	McNamara
Bridgers	Mohrmann
Cauthorn	Monkhouse
Celaya	Nicholson
Colquitt	Olsen
Colson, Mrs.	Petsch
Dean	Pevehouse
Dickson	Pope
Donaghey	Riviere
Galbreath	Robinson
Gilmer	Schuenemann
Gordon, Mrs.	Segrist
Hankamer	Shell
Hardeman	Stinson
Hartzog	Taylor
Howard	Thornberry
Johnson of Tarrant	Thornton
Kinard	Vale
Leyendecker	Wilson

Present—Not Voting

Smith of Frio

Absent

Burney	Leonard
Clark	Mays
Cleveland	Ragsdale
Daniel	Smith
Dickison	of Matagorda
Felty	Talbert
Harper	White
Langdon	Wood

Absent—Excused

Voigt

RECALLING HOUSE BILL NO. 378 FROM THE GOVERNOR

Mrs. Colson offered the following resolution:

H. C. R. No. 38, Recalling House Bill No. 378 from the Governor.

Resolved by the House of Representatives, the Senate concurring, That the Governor be, and he is hereby requested to return to the House of Representatives, House Bill No. 378, for further consideration, and that the signatures of the presiding officers of the House of Representatives and Senate be erased from the bill.

The resolution was read second time, and was adopted.

TO PROVIDE FOR CERTAIN AD- JOURNMENT TO COMMEMO- RATE TEXAS INDE- PENDENCE DAY

The Speaker laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 5, To provide for certain adjournment to commemorate Texas Independence Day.

Whereas, On March 1, 1836, a body of patriots assembled at old Washington-on-the-Brazos and on March 2nd, fifty-seven of them met in a blacksmith shop and signed that immortal document which declared our independence from Mexico; and

Whereas, Every citizen owes a debt to those inspired patriots that can never be paid, but we can all take the time and every one should take the time on each anniversary of that day to assemble and pay tribute to those grand and glorious men and seek to instill into himself some of the patriotism, courage and wisdom that they individually and collectively possessed; and

Whereas, There can be no more appropriate place than on the spot where these men assembled, at which to gather and rededicate our lives to those great principles of freedom and democracy for which they were willing to give their lives; and

Whereas, The State of Texas has secured this historic spot and made a State Park of it; and

Whereas, The American Legion and other patriotic organizations will conduct appropriate exercises at this place on March 2, 1939; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That on March 1st, the House and the Senate adjourn or recess until March 3, 1939, and that both Houses join with the American Legion and other patriotic organizations in the exercises on March 2, 1939, at old Washington-on-the-Brazos.

The resolution was read second time, and was adopted.

(Pending consideration of the above resolution, Mr. Reed occupied the Chair temporarily.)

(Speaker in the Chair.)

RELATIVE TO RESOLUTION PERIOD

Mr. Hartzog moved that the House dispense with the consideration of resolutions at this time.

The motion prevailed.

SENATE BILL NO. 105 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 105, A bill to be entitled "An Act forbidding suits on commissions for sale or purchase of real estate, oil and/or gas mining leases, oil and/or gas royalties, minerals or mineral interests, unless the promise or agreement on which such suit is brought is in writing and signed by the person sought to be charged therewith; and providing that this Act shall not apply to any such action pending in any court in this State at the effective date of this Act, and declaring an emergency."

The bill was read third time, and was passed.

Mr. Thornton moved to reconsider the vote by which Senate Bill No. 105 was passed, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 53 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 53, A bill to be entitled "An Act relative to the term of leases on prison lands, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 53 ON THIRD READING

Mr. Howard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 53 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126

Allen	Hale
Allison	Hamilton
Alsup	Hankamer
Anderson	Hardeman
Bailey	Hardin
Baker	Harp
of Fort Bend	Harper
Baker of Grayson	Harrell of Bastrop
Bell	Harrell of Lamar
Blankenship	Harris
Boyer	Hartzog
Bradford	Holland
Bray	Howard
Bridgers	Howington
Broadfoot	Hunt
Brown of Cherokee	Isaacks
Brown	Johnson of Ellis
of Nacogdoches	Johnson of Tarrant
Bundy	Keith
Burkett	Kennedy
Burney	Kern
Cauthorn	Kerr
Chambers	Kersey
Clark	Kinard
Cockrell	King
Coleman	Lehman
Colquitt	Leonard
Colson, Mrs.	Leyendecker
Cornett	Little
Corry	Lock
Crossley	London
Daniel	Mays
Davis of Jasper	McAlister
Dean	McDaniel
Derden	McDonald
Dickson	McFarland
Donaghey	McMurry
Dowell	McNamara
Dwyer	Mohrmann
Faulkner	Monkhouse
Felty	Montgomery
Ferguson	Morris
Fielden	Newell
Fuchs	Nicholson
Galbreath	Oliver
Gilmer	Olsen
Goodman	Pace
Gordon, Mrs.	Petsch

Pevehouse	Stoll
Reader of Bexar	Tennant
Reader of Erath	Thornberry
Reaves	Thornton
Reed	Turner
Rhodes	Vale
Riviere	Vint
Roach	Waggoner
Roberts	Weldon
Robinson	Wells
Russell	White
Segrist	Wilson
Skiles	Winfree
Smith of Frio	Wood
Smith of Hopkins	Worley
Spencer	Wright

Nays—1

Davis of Upshur

Present—Not Voting

Westbrook

Absent

Bond	Pope
Boyd	Ragsdale
Bradbury	Schuenemann
Celaya	Shell
Cleveland	Smith
Dickison	of Matagorda
Heflin	Stinson
Hull	Talbert
Langdon	Tarwater
Loggins	Taylor
Piner	

Absent—Excused

Voigt

The Speaker then laid Senate Bill No. 53 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—129

Allen	Brown of Cherokee
Allison	Brown
Alsup	of Nacogdoches
Anderson	Bundy
Bailey	Burkett
Baker	Burney
of Fort Bend	Cauthorn
Baker of Grayson	Celaya
Bell	Chambers
Blankenship	Clark
Boyd	Cockrell
Boyer	Coleman
Bradford	Colquitt
Bray	Colson, Mrs.
Bridgers	Cornett
Broadfoot	Corry

Crossley	McAlister
Daniel	McDaniel
Davis of Jasper	McDonald.
Dean	McFarland
Derden	McMurry
Dickson	McNamara
Donaghey	Mohrmann
Dowell	Monkhouse
Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fielden	Nicholson
Fuchs	Oliver
Galbreath	Olsen
Gilmer	Pace
Goodman	Petsch
Gordon, Mrs.	Pevehouse
Hale	Piner
Hamilton	Reader of Bexar
Hankamer	Reader of Erath
Hardeman	Reaves
Hardin	Reed
Harp	Rhodes
Harper	Riviere
Harrell of Bastrop	Roach
Harrell of Lamar	Roberts
Harris	Robinson
Hartzog	Russell
Heflin	Segrist
Holland	Skiles
Howard	Smith of Hopkins
Howington	Smith
Hunt	of Matagorda
Isaacks	Spencer
Johnson of Ellis	Talbert
Johnson of Tarrant	Taylor
Keith	Tennant
Kennedy	Thornton
Kern	Turner
Kerr	Vale
Kersey	Vint
Kinard	Waggoner
King	Weldon
Lehman	Wells
Leonard	White
Leyendecker	Wilson
Little	Winfree
Lock	Wood
London	Worley
Mays	Wright

Nays—1

Davis of Upshur

Present—Not Voting

Westbrook

Absent

Bond	Hull
Bradbury	Langdon
Cleveland	Loggins
Dickison	Pope
Dwyer	Ragsdale

Schuenemann	Stoll
Shell	Tarwater
Smith of Frio	Thornberry
Stinson	

Absent—Excused

Voigt

MESSAGE FROM THE SENATE

Austin, Texas, February 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 43, A bill to be entitled "An Act creating a Special Road Law for Potter County, Texas, providing that said County may fund or refund designated interest-bearing time warrants in an amount not exceeding Forty-two Thousand (\$42,000.00) Dollars outstanding against its Road and Bridge Fund as of January 1, 1939, by the issuance of funding bonds and setting forth the method of issuing same; validating all acts of the Commissioners' Court and of the county officials of said County in authorizing, levying taxes to pay principal and interest thereon and in issuing and delivering said warrants; prescribing the duties of the Attorney General and of the Comptroller of Public Accounts in reference to the bonds authorized herein; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict with the provisions hereof; providing that the provisions of this law shall take precedence over all laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Adopted

S. C. R. No. 7, Commending the efforts of the New York World's Fair and San Francisco Golden Gate Exposition for the creditable representation Texas has had in both Fairs and lending and offering our hearty support and co-operation for their future success and representation.

The Senate, by authority of House Concurrent Resolution No. 12, has appointed the following committee: Senators Metcalfe, Aikin and Lanning.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 194 ON PASSAGE
TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 194, A bill to be entitled "An Act authorizing the State Board of Barber Examiners to approve agreements fixing minimum prices for barber services and establishing opening and closing hours for barber shops; fixing territorial units for voting such agreement; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; prohibiting the advertising of prices; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer the provisions of this Act; regulating barber schools or barber colleges; providing for fine or imprisonment for violation of the provisions of this Act; providing for the suspension or revocation of licenses by the Board; and providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Keith offered the following amendment to the bill:

Amend House Bill No. 194, page 1, lines 38 and 39, by striking out the words "organized and representative groups of barbers of".

Mr. Dean moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—63

Allison
Anderson

Bailey
Baker of Grayson

Blankenship
Boyer
Bradbury
Bradford
Broadfoot
Burkett
Burney
Celaya
Clark
Cockrell
Corry
Crossley
Dean
Dickson
Dickison
Donaghey
Dwyer
Ferguson
Fuchs
Gilmer
Gordon, Mrs.
Hamilton
Harrell of Bastrop
Harris
Hartzog
Holland
Hunt
Johnson of Tarrant
Kinard
Langdon

Lehman
Lock
McAlister
McDaniel
McDonald
McNamara
Monkhouse
Montgomery
Morris
Nicholson
Oliver
Pevehouse
Piner
Pope
Reader of Bexar
Reader of Erath
Reaves
Reed
Rhodes
Riviere
Roberts
Segrist
Smith of Frio
Stinson
Tennant
Wells
Wilson
Winfree
Wood

Nays—59

Allen
Alsup
Baker
of Fort Bend
Boyd
Bray
Bridgers
Brown of Cherokee
Brown
of Nacogdoches
Bundy
Cauthorn
Chambers
Cleveland
Coleman
Cornett
Davis of Jasper
Davis of Upshur
Derden
Dowell
Fielden
Galbreath
Goodman
Hale
Hankamer
Harp
Harper
Harrell of Lamar
Howington
Isaacks
Keith

Kennedy
Kern
Kerr
Kersey
King
Leyendecker
London
Mays
McMurry
Mohrmann
Newell
Pace
Roach
Robinson
Russell
Skiles
Smith of Hopkins
Spencer
Stoll
Talbert
Taylor
Thornberry
Thornton
Turner
Vint
Weldon
Westbrook
White
Worley
Wright

Absent			
Bell	Little	Dickison	Mohrmann
Bond	Loggins	Dickson	Monkhouse
Colquitt	McFarland	Donaghey	Montgomery
Colson, Mrs.	Olsen	Dowell	Morris
Daniel	Petsch	Dwyer	Newell
Faulkner	Ragsdale	Felty	Nicholson
Felty	Schuenemann	Ferguson	Petsch
Hardeman	Shell	Fuchs	Pevehouse
Hardin	Smith	Gordon, Mrs.	Piner
Heflin	of Matagorda	Hale	Pope
Howard	Tarwater	Hamilton	Reader of Bexar
Hull	Vale	Hardeman	Reader of Erath
Johnson of Ellis	Waggoner	Hardin	Reaves
Leonard		Harp	Reed
		Harrell of Lamar	Riviere
		Harris	Roberts
		Hartzog	Robinson
		Heflin	Russell
		Holland	Segrist
		Hull	Skiles
		Johnson of Ellis	Smith of Frio
		Johnson of Tarrant	Smith
		Keith	of Matagorda
		Kennedy	Stinson
		Kerr	Stoll
		Kinard	Talbert
		King	Taylor
		Langdon	Thornberry
		Lock	Thornton
		Loggins	Turner
		London	Waggoner
		McAlister	Wells
		McDaniel	Wilson
		McDonald	Winfree
		McFarland	Wood
		McMurry	Wright
		McNamara	
Absent—Excused		Nays—32	
Voigt		Alsup	Howington
Mr. Mays offered the following amendment to the bill:		Bailey	Hunt
Amend House Bill No. 194, by adding a new Section to be known as Section 17a, which shall read as follows:		Bridgers	Kern
"All barber shops who derive as much as ten (10%) per cent of their trade from people receiving old age assistance, direct relief or work of an emergency nature, such as P.W.A., are entirely exempt from the provisions of this Act until such time as is paid a pension of Thirty (\$30.00) Dollars per month to all over sixty-five (65) years of age entitled to it by the Texas Constitution, and business recuperates to such an extent no emergency spending is deemed to be required by the United States Government."		Broadfoot	Kersey
		Cauthorn	Lehman
		Chambers	Leyendecker
		Colquitt	Mays
		Cornett	Pace
		Davis of Jasper	Rhodes
		Davis of Upshur	Roach
		Fielden	Smith of Hopkins
		Galbreath	Spencer
		Gilmer	Weldon
		Goodman	Westbrook
		Harper	White
		Harrell of Bastrop	Worley
		Absent	
		Anderson	Hankamer
		Brown	Howard
		of Nacogdoches	Isaacks
		Colson, Mrs.	Leonard
		Daniel	Little
		Faulkner	Oliver
Yeas—97			
Allen	Brown of Cherokee		
Allison	Bundy		
Baker	Burkett		
of Fort Bend	Burney		
Baker of Grayson	Celaya		
Bell	Clark		
Blankenship	Cleveland		
Bond	Cockrell		
Boyd	Coleman		
Boyer	Corry		
Bradbury	Crossley		
Bradford	Dean		
Bray	Derden		

Olsen	Tarwater
Ragsdale	Tennant
Schuenemann	Vale
Shell	Vint

Absent—Excused

Voigt

Mr. Bradford offered the following amendment to the bill:

Amend House Bill No. 194, by striking out Section 3 thereof.

Mr. Mays raised a point of order, on further consideration of House Bill No. 194, on the ground that the bill violates certain constitutional provisions.

The Speaker overruled the point of order.

Mr. Reader of Bexar moved the previous question, on the pending amendment, and the engrossment of House Bill No. 194, and the motion was not seconded.

Question recurring on the amendment by Mr. Bradford, it was adopted.

Mr. Hale offered the following amendment to the bill:

Amendment to House Bill No. 194. To add Section 6a, to read as follows:

"Section 6a. All barbers in business anywhere in the State other than within the corporate limits or within two (2) miles thereof, of all cities of one thousand (1,000) or more population, according to the last preceding Federal Census, shall be allowed to deviate not more than twenty-five (25%) per cent from the minimum as established by the barbers of that particular county."

Mr. Dean moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—55

Allen	Corry
Allison	Dean
Baker	Derden
of Fort Bend	Dickison
Bell	Dickson
Blankenship	Donaghey
Bond	Faulkner
Boyer	Fuchs
Bradbury	Gordon, Mrs.
Bradford	Hardeman
Bray	Harris
Colquitt	Heflin

Hull	Pevehouse
Isaacks	Reader of Bexar
Johnson of Ellis	Riviere
Kern	Robinson
Kerr	Russell
Kinard	Segrist
Langdon	Smith
Lehman	of Matagorda
Little	Stinson
Loggins	Stoll
McAlister	Taylor
McDaniel	Tennant
McDonald	Thornberry
McMurry	Turner
McNamara	Wilson
Montgomery	Winfree
Nicholson	

Nays—69

Alsop	Hunt
Bailey	Johnson of Tarrant
Baker of Grayson	Keith
Boyd	Kennedy
Bridgers	Kersey
Broadfoot	King
Brown of Cherokee	Leyendecker
Brown	Lock
of Nacogdoches	London
Bundy	Mays
Burkett	Mohrmann
Burney	Morris
Cauthorn	Newell
Chambers	Pace
Clark	Piner
Cleveland	Reader of Erath
Cockrell	Rhodes
Colson, Mrs.	Roach
Cornett	Roberts
Crossley	Schuenemann
Davis of Jasper	Skiles
Davis of Upshur	Smith of Frio
Dowell	Smith of Hopkins
Dwyer	Spencer
Ferguson	Talbert
Fielden	Thornton
Galbreath	Vint
Gilmer	Waggoner
Goodman	Weldon
Hale	Wells
Hamilton	Westbrook
Harp	White
Harper	Wood
Harrell of Bastrop	Worley
Howington	Wright

Absent

Anderson	Harrell of Lamar
Celaya	Hartzog
Coleman	Holland
Daniel	Howard
Felty	Leonard
Hankamer	McFarland
Hardin	Monkhouse

Oliver	Reaves
Olsen	Reed
Petsch	Shell
Pope	Tarwater
Ragsdale	Vale

Absent—Excused

Voigt

Mr. Mays moved that House Bill No. 194 be postponed until 11:00 o'clock a. m., next Monday, February 20.

Question recurring on the motion by Mr. Mays, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—24

Bailey	Howington
Baker	Hunt
of Fort Bend	Isaacks
Bridgers	Kern
Broadfoot	Kersey
Cauthorn	Mays
Cockrell	Rhodes
Daniel	Smith of Hopkins
Davis of Jasper	Tarwater
Fielden	Weldon
Fuchs	Westbrook
Galbreath	White
Gilmer	

Yeas—107

Allen	Derden
Allison	Dickison
Anderson	Dickson
Baker of Grayson	Donaghey
Bell	Dowell
Blankenship	Dwyer
Bond	Faulkner
Boyd	Ferguson
Boyer	Goodman
Bradbury	Gordon, Mrs.
Bradford	Hale
Bray	Hamilton
Brown of Cherokee	Hardeman
Brown	Harp
of Nacogdoches	Harper
Bundy	Harrell of Bastrop
Burkett	Harrell of Lamar
Burney	Harris
Celaya	Hartzog
Chambers	Heflin
Clark	Holland
Coleman	Hull
Colquitt	Johnson of Ellis
Colson, Mrs.	Johnson of Tarrant
Cornett	Keith
Corry	Kennedy
Davis of Upshur	Kerr
Dean	Kinard

King	Riviere
Langdon	Roach
Lehman	Roberts
Leyendecker	Robinson
Little	Russell
Lock	Schuenemann
Loggins	Segrist
London	Skiles
McAlister	Smith of Frio
McDaniel	Spencer
McDonald	Stinson
McFarland	Stoll
McMurry	Talbert
McNamara	Taylor
Mohrmann	Tennant
Monkhouse	Thornberry
Morris	Thornton
Newell	Turner
Nicholson	Vint
Oliver	Waggoner
Pace	Wells
Petsch	Wilson
Pevehouse	Winfree
Piner	Wood
Reader of Bexar	Worley
Reader of Erath	Wright

Absent

Alsup	Olsen
Cleveland	Pope
Crossley	Ragsdale
Felty	Reaves
Hankamer	Reed
Hardin	Shell
Howard	Smith
Leonard	of Matagorda
Montgomery	Vale

Absent—Excused

Voigt

Mr. Coleman offered the following amendment to the amendment by Mr. Hale:

Amend Hale amendment, by striking out the figures and words "one thousand (1,000)," and inserting in lieu thereof the words and figures "one thousand five hundred (1,500.)"

Question recurring on the amendment by Mr. Coleman, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—57

Alsup	Brown
Bailey	of Nacogdoches
Baker of Grayson	Bundy
Bond	Burkett
Bridgers	Cauthorn
Broadfoot	Chambers
Brown of Cherokee	Clark

Coleman	Lock
Colquitt	Loggins
Crossley	McFarland
Davis of Jasper	McMurry
Davis of Upshur	Newell
Fielden	Pace
Fuchs	Reader of Erath
Galbreath	Rhodes
Gilmer	Roach
Goodman	Roberts
Harper	Schuenemann
Harrell of Lamar	Shell
Holland	Smith of Hopkins
Howington	Smith
Hull	of Matagorda
Isaacks	Spencer
Johnson of Tarrant	Taylor
Keith	Vint
Kennedy	Weldon
Kern	Westbrook
Kersey	Worley
King	Wright
Lehman	

Nays—73

Allen	Kinard
Allison	Langdon
Anderson	Leyendecker
Baker	London
of Fort Bend	Mays
Bell	McDaniel
Blankenship	McDonald
Boyd	McNamara
Boyer	Mohrmann
Bradbury	Monkhouse
Bradford	Montgomery
Bray	Morris
Burney	Nicholson
Cleveland	Petsch
Cockrell	Pevehouse
Cornett	Piner
Daniel	Reader of Bexar
Dean	Reed
Derden	Riviere
Dickison	Robinson
Dickson	Russell
Donaghey	Segrist
Dowell	Skiles
Dwyer	Smith of Frio
Faulkner	Stinson
Ferguson	Stoll
Gordon, Mrs.	Tarwater
Hale	Tennant
Hamilton	Thornberry
Hardeman	Turner
Hardin	Vale
Harp	Waggoner
Harrell of Bastrop	Wells
Harris	White
Hartzog	Wilson
Johnson of Ellis	Winfree
Kerr	Wood

Present—Not Voting

McAlister

Absent

Celaya	Little
Colson, Mrs.	Oliver
Corry	Olsen
Felty	Pope
Hankamer	Ragsdale
Heflin	Reaves
Howard	Talbert
Hunt	Thornton
Leonard	

Absent—Excused

Voigt

Question then recurring on the amendment by Mr. Hale, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—70

Allen	Isaacks
Alsup	Johnson of Tarrant
Bailey	Keith
Baker of Grayson	Kennedy
Bond	Kern
Bridgers	Kersey
Broadfoot	King
Brown of Cherokee	Lehman
Brown of Nacogdoches	Leyendecker
Bundy	Lock
Burkett	Loggins
Burney	London
Cauthorn	Mays
Chambers	Mohrmann
Clark	Morris
Cockrell	Newell
Coleman	Pace
Colquitt	Rhodes
Cornett	Roach
Crossley	Roberts
Davis of Jasper	Schuenemann
Davis of Upshur	Shell
Dowell	Smith of Hopkins
Fielden	Spencer
Fuchs	Stoll
Galbreath	Talbert
Gilmer	Tarwater
Goodman	Thornton
Hale	Vint
Hardin	Weldon
Harper	Wells
Harrell of Lamar	Westbrook
Howington	White
Hull	Worley
Hunt	Wright

Nays—63

Allison	Bell
Anderson	Blankenship
Baker	Boyd
of Fort Bend	Boyer

Bradbury	McFarland
Bradford	McNamara
Bray	Monkhouse
Celaya	Nicholson
Cleveland	Oliver
Daniel	Petsch
Dean	Pevehouse
Derden	Reader of Bexar
Dickson	Reader of Erath
Dickson	Reed
Donaghey	Riviere
Dwyer	Robinson
Faulkner	Russell
Ferguson	Segrist
Gordon, Mrs.	Skiles
Hamilton	Smith of Frio
Hardeman	Smith
Harp	of Matagorda
Harrell of Bastrop	Stinson
Harris	Taylor
Hartzog	Tennant
Holland	Thornberry
Johnson of Ellis	Turner
Kerr	Vale
Kinard	Waggoner
Langdon	Wilson
McAlister	Winfree
McDaniel	Wood
McDonald	

Absent

Colson, Mrs.	McMurry
Corry	Montgomery
Felty	Olsen
Hankamer	Piner
Heflin	Pope
Howard	Ragsdale
Leonard	Reaves
Little	

Absent—Excused

Voigt

Mr. Reader of Bexar moved the previous question on the engrossment of House Bill No. 194 and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—83

Allen	Bradford
Allison	Bundy
Anderson	Burkett
Baker of Grayson	Burney
Bell	Cauthorn
Blankenship	Chambers
Bond	Clark
Boyd	Cleveland
Boyer	Coleman
Bradbury	Colquitt

Colson, Mrs.	Mohrmann
Corry	Monkhouse
Crossley	Montgomery
Daniel	Morris
Dean	Nicholson
Dickson	Pace
Dickson	Petsch
Donaghey	Pevehouse
Dwyer	Reader of Bexar
Faulkner	Reader of Erath
Ferguson	Reed
Galbreath	Riviere
Gordon, Mrs.	Roberts
Hamilton	Robinson
Hardeman	Russell
Hardin	Skiles
Harp	Smith of Frio
Harper	Smith
Harrell of Lamar	of Matagorda
Harris	Spencer
Hull	Stoll
Hunt	Tarwater
Johnson of Ellis	Taylor
Johnson of Tarrant	Tennant
Kerr	Thornton
Kinard	Vint
Langdon	Waggoner
Lock	Wells
London	White
McAlister	Wilson
McDaniel	Winfree
McNamara	Wright

Nays—47

Alsup	Keith
Bailey	Kennedy
Baker	Kern
of Fort Bend	Kersey
Bray	King
Bridgers	Lehman
Broadfoot	Loggins
Brown of Cherokee	Mays
Cockrell	McDonald
Cornett	McFarland
Davis of Jasper	McMurry
Davis of Upshur	Newell
Derden	Rhodes
Dowell	Roach
Fielden	Segrist
Fuchs	Smith of Hopkins
Gilmer	Stinson
Goodman	Talbert
Hale	Thornberry
Hankamer	Vale
Harrell of Bastrop	Weldon
Holland	Westbrook
Howington	Wood
Isaacks	Worley

Absent

Brown	Felty
of Nacogdoches	Hartzog
Celaya	Heflin

Howard	Pope
Leonard	Ragsdale
Leyendecker	Reaves
Little	Schuenemann
Oliver	Shell
Olsen	Turner
Piner	

Absent—Excused

Voigt

House Bill No. 194 was then passed to engrossment.

HOUSE BILL NO. 194 ON THIRD READING

Mr. Dean moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 194 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Allen	Ferguson
Allison	Galbreath
Anderson	Gilmer
Bailey	Gordon, Mrs.
Baker	Hale
of Fort Bend	Hamilton
Baker of Grayson	Hardeman
Bell	Hardin
Blankenship	Harper
Bond	Harrell of Bastrop
Boyd	Harrell of Lamar
Boyer	Harris
Bradbury	Hartzog
Bradford	Heflin
Bray	Holland
Broadfoot	Howard
Brown of Cherokee	Hull
Bundy	Hunt
Burkett	Johnson of Ellis
Burney	Johnson of Tarrant
Cauthorn	Keith
Chambers	Kennedy
Clark	Kerr
Cleveland	Kinard
Coleman	King
Colquitt	Langdon
Corry	Lehman
Crossley	Leonard
Daniel	Leyendecker
Dean	Lock
Derden	Loggins
Dickison	London
Dickson	McAlister
Donaghey	McDaniel
Dowell	McDonald
Dwyer	McFarland
Faulkner	McMurry

McNamara	Smith of Hopkins
Mohrmann	Smith
Monkhouse	of Matagorda
Montgomery	Spencer
Morris	Stinson
Newell	Stoll
Nicholson	Talbert
Oliver	Tarwater
Pace	Taylor
Petsch	Tennant
Pevehouse	Thornberry
Piner	Thornton
Reader of Bexar	Turner
Reader of Erath	Vale
Reaves	Vint
Reed	Waggoner
Riviere	Wells
Roberts	White
Robinson	Wilson
Russell	Winfree
Segrist	Wood
Skiles	Worley
Smith of Frio	Wright

Nays—17

Alsup	Isaacks
Bridgers	Kern
Cockrell	Kersey
Cornett	Mays
Davis of Jasper	Rhodes
Davis of Upshur	Roach
Fielden	Weldon
Hankamer	Westbrook
Howington	

Absent

Brown	Harp
of Nacogdoches	Little
Celaya	Olsen
Colson, Mrs.	Pope
Felty	Ragsdale
Fuchs	Schuenemann
Goodman	Shell

Absent—Excused

Voigt

The Speaker then laid House Bill No. 194 before the House on its third reading and final passage.

The bill was read third time.

Mr. Derden offered the following amendment to the bill:

Amend House Bill No. 194, by striking out all of Section 6 therein.

The amendment was adopted.

Mr. Worley offered the following amendment to the bill:

Amend House Bill No. 194, by striking out the word "County" wherever it occurs and substitute in lieu thereof the following, "incorporated city."

Mr. Davis of Upshur moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—35

Alsup	Johnson of Tarrant
Baker	Kern
of Fort Bend	Kersey
Blankenship	Leonard
Boyer	Leyendecker
Brown of Cherokee	Little
Cauthorn	McDonald
Cockrell	Monkhouse
Colquitt	Pope
Davis of Upshur	Reader of Bexar
Gordon, Mrs.	Schuenemann
Hankamer	Segrist
Hardeman	Shell
Hardin	Smith
Harper	of Matagorda
Harris	Tennant
Heflin	Thornton
Hull	Vale
Isaacks	

Nays—98

Allen	Ferguson
Allison	Fielden
Anderson	Fuchs
Bailey	Galbreath
Baker of Grayson	Gilmer
Bell	Goodman
Bond	Hale
Boyd	Hamilton
Bradbury	Harp
Bradford	Harrell of Bastrop
Bray	Harrell of Lamar
Bridgers	Hartzog
Broadfoot	Holland
Brown	Howington
of Nacogdoches	Hunt
Bundy	Keith
Burkett	Kennedy
Burney	Kerr
Chambers	Kinard
Cleveland	King
Coleman	Langdon
Cornett	Lehman
Corry	Lock
Crossley	London
Daniel	McAlister
Davis of Jasper	McDaniel
Dean	McMurry
Derden	McNamara
Dickison	Mohrmann
Dickson	Montgomery
Donaghey	Morris
Dowell	Newell
Faulkner	Nicholson

Oliver	Spencer
Pace	Stoll
Petsch	Talbert
Pevehouse	Taylor
Piner	Thornberry
Reader of Erath	Turner
Reaves	Vint
Reed	Waggoner
Rhodes	Weldon
Riviere	Wells
Roach	Westbrook
Roberts	White
Robinson	Wilson
Russell	Wood
Skiles	Worley
Smith of Frio	Wright
Smith of Hopkins	

Absent

Celaya	Mays
Clark	McFarland
Colson, Mrs.	Olsen
Dwyer	Ragsdale
Felty	Stinson
Howard	Tarwater
Johnson of Ellis	Winfree
Loggins	

Absent—Excused

Voigt

Question then recurring on the amendment by Mr. Worley, it was lost.

Mr. Reader of Bexar moved the previous question on the final passage of House Bill No. 194, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—118

Allen	Bundy
Allison	Burkett
Anderson	Burney
Bailey	Cauthorn
Baker	Celaya
of Fort Bend	Chambers
Baker of Grayson	Clark
Bell	Cleveland
Blankenship	Cockrell
Bond	Coleman
Boyd	Colquitt
Boyer	Cornett
Bradbury	Corry
Bradford	Crossley
Bray	Daniel
Bridgers	Davis of Upshur
Broadfoot	Dean
Brown of Cherokee	Derden
Brown	Dickison
of Nacogdoches	Dickson

Donaghey	Montgomery
Dowell	Morris
Faulkner	Newell
Ferguson	Nicholson
Fuchs	Oliver
Galbreath	Pace
Gilmer	Petsch
Goodman	Pevehouse
Gordon, Mrs.	Piner
Hale	Reader of Bexar
Hamilton	Reader of Erath
Hankamer	Reaves
Hardeman	Reed
Hardin	Riviere
Harp	Roach
Harper	Roberts
Harrell of Bastrop	Robinson
Harrell of Lamar	Russell
Harris	Schuenemann
Heflin	Segrist
Holland	Skiles
Howington	Smith of Frio
Hunt	Smith of Hopkins
Kennedy	Smith
Kerr	of Matagorda
Kinard	Spencer
King	Stoll
Langdon	Tarwater
Leonard	Taylor
Leyendecker	Tennant
Little	Thornton
Lock	Turner
Loggins	Vale
London	Vint
McAlister	Waggoner
McDaniel	Wells
McDonald	White
McMurry	Wilson
McNamara	Winfree
Mohrmann	Wright
Monkhouse	

Nays—14

Alsup	Rhodes
Davis of Jasper	Stinson
Fielden	Talbert
Keith	Thornberry
Kern	Weldon
Kersey	Westbrook
Lehman	Wood

Absent

Colson, Mrs.	Johnson of Tarrant
Dwyer	Mays
Felty	McFarland
Hartzog	Olsen
Howard	Pope
Hull	Ragsdale
Isaacks	Shell
Johnson of Ellis	Worley

Absent—Excused

Voigt

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 194 was then passed by the following vote:

Yeas—131

Allen	Hartzog
Allison	Heflin
Anderson	Holland
Bailey	Howard
Baker	Howington
of Fort Bend	Hull
Baker of Grayson	Hunt
Bell	Johnson of Ellis
Blankenship	Johnson of Tarrant
Bond	Keith
Boyd	Kennedy
Boyer	Kerr
Bradbury	Kinard
Bradford	King
Bray	Langdon
Brown of Cherokee	Lehman
Bundy	Leonard
Burkett	Leyendecker
Burney	Little
Cauthorn	Lock
Celaya	Loggins
Chambers	London
Clark	Mays
Cleveland	McAlister
Cockrell	McDaniel
Colquitt	McDonald
Cornett	McFarland
Corry	McMurry
Crossley	McNamara
Daniel	Mohrmann
Dean	Monkhouse
Derden	Montgomery
Dickison	Morris
Dickson	Newell
Donaghey	Nicholson
Dowell	Oliver
Dwyer	Pace
Faulkner	Petsch
Felty	Pevehouse
Ferguson	Piner
Fielden	Pope
Fuchs	Reader of Bexar
Galbreath	Reader of Erath
Gilmer	Reaves
Goodman	Reed
Gordon, Mrs.	Riviere
Hale	Roach
Hamilton	Roberts
Hardeman	Robinson
Hardin	Russell
Harp	Schuenemann
Harper	Segrist
Harrell of Bastrop	Shell
Harrell of Lamar	Skiles
Harris	Smith of Frio

Smith of Hopkins	Turner
Smith	Vale
of Matagorda	Vint
Spencer	Waggoner
Stinson	Wells
Stoll	White
Talbert	Wilson
Tarwater	Winfree
Taylor	Wood
Tennant	Worley
Thornberry	Wright
Thornton	

Nays—12

Alsup	Isaacks
Bridgers	Kern
Coleman	Kersey
Davis of Jasper	Rhodes
Davis of Upshur	Weldon
Hankamer	Westbrook

Absent

Broadfoot	Colson, Mrs.
Brown	Olsen
of Nacogdoches	Ragsdale

Absent—Excused

Voigt

Mr. Dean moved to reconsider the vote by which House Bill No. 194 was passed, and to table the motion to reconsider.

The motion to table prevailed.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 150

Mr. Hardeman submitted the following Conference Committee Report on House Bill No. 150:

Austin, Texas, February 15, 1939.

Hon. Coke R. Stevenson, Lieutenant Governor of Texas.

and

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 150, have met and beg leave to recommend that said House Bill No. 150 be passed in the form hereto attached.

Respectfully submitted,

NELSON,
ROBERTS,
METCALFE,
LANNING,
SPEARS,

On the part of the Senate.

HANKAMER,
LONDON,
HARRIS,
SMITH of Matagorda,
HARDEMAN,

On the part of the House.

H. B. No. 150

A BILL

To Be Entitled

An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the operation, support and maintenance, including salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven (7) buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor; for miscellaneous equipment and ground and other improvements for said Hospital; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated for the operation, support, and maintenance, including salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven (7) buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor; and for miscellaneous equipment and ground and other improvements in completing said Hospital:

Salaries to September 1, 1939	\$ 24,861.34
Compensation shall in no instance exceed that paid for similar services at the other State Hospitals for the Insane.	
Support, maintenance and individual treatment fund, dishes, cutlery, small hardware, and other initial supplies	44,893.60
Pickup truck	750.00
Pumps, tank, pipe, and fittings to complete heating plant	800.00

Furniture and general equipment for seven buildings; including mattresses, pillows, linens, blankets, other furnishings, and office machines.....	49,809.00
X-Ray, Sterilizer, Prescription Room, Surgery and Laboratory equipment, installed.....	8,434.50
Refrigeration equipment, installed.....	6,000.00
Large equipment for three kitchens; sewing machines, electric lamps, and radios.....	7,668.00
Miscellaneous and small equipment for storeroom, powerhouse, and other buildings and grounds, including shelves and tools.....	5,000.00
Laundry, equipment, and concrete tunnel with utility connections.....	33,700.00
Sidewalks.....	1,000.00
Street lights, installed.....	1,000.00
Mattress factory and equipment.....	7,000.00
Water tank and tower, installed.....	8,750.00
Hogs and hog pens.....	750.00

Total Big Spring
State Hospital.....\$199,916.44

Sec. 2. The fact that the newly established Big Spring State Hospital, Big Spring, Texas, being completed this month, heretofore received no appropriations for its operation, support, and maintenance and an insufficient amount for completion of several small utility buildings and for equipping said Hospital, and the further fact that said Hospital should be opened immediately to permit removal of insane patients from jails and lessen the overcrowded conditions in other State mental hospitals, create an emergency and an imperative public necessity demanding that the Constitutional Rule which requires all bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and said Act shall be in force and take effect from and after its passage, and it is so enacted.

On motion of Mr. Hardeman, the report was adopted by the following vote:

Yeas—135

Allen Alsup
Allison Anderson

Bailey	Isaacks
Baker	Johnson of Ellis
of Fort Bend	Johnson of Tarrant
Baker of Grayson	Keith
Bell	Kennedy
Blankenship	Kern
Bond	Kerr
Boyer	Kersey
Bradbury	Kinard
Bradford	King
Bray	Langdon
Bridgers	Lehman
Broadfoot	Leyendecker
Brown of Cherokee	Little
Brown	Lock
of Nacogdoches	Loggins
Bundy	London
Burkett	Mays
Burney	McAlister
Cauthorn	McDaniel
Chambers	McDonald
Clark	McFarland
Cleveland	McMurry
Cockrell	McNamara
Coleman	Monkhouse
Colquitt	Montgomery
Colson, Mrs.	Morris
Cornett	Newell
Corry	Nicholson
Crossley	Oliver
Daniel	Pace
Davis of Jasper	Petsch
Davis of Upshur	Pevehouse
Dean	Piner
Derden	Reader of Bexar
Dickison	Reaves
Dickson	Reed
Donaghey	Rhodes
Dowell	Riviere
Dwyer	Roach
Faulkner	Roberts
Ferguson	Robinson
Fielden	Russell
Fuchs	Schuenemann
Galbreath	Segrist
Gilmer	Shell
Goodman	Skiles
Gordon, Mrs.	Smith of Frio
Hale	Smith of Hopkins
Hamilton	Smith
Hankamer	of Matagorda
Hardeman	Spencer
Hardin	Stoll
Harp	Talbert
Harper	Tarwater
Harrell of Bastrop	Taylor
Harrell of Lamar	Tennant
Harris	Thornberry
Hartzog	Thornton
Heflin	Turner
Holland	Vale
Howington	Vint
Hunt	Waggoner

Weldon
Wells
White
Wilson

Winfree
Wood
Worley
Wright

Absent

Boyd
Celaya
Felty
Howard
Hull
Leonard
Mohrmann

Olsen
Pope
Ragsdale
Reader of Erath
Stinson
Westbrook

Absent—Excused

Voigt

MESSAGE FROM THE SENATE

Austin, Texas, February 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. C. R. No. 38, Requesting the Governor to return House Bill No. 378 to the House of Representatives for further consideration.

Adopted the Conference Committee Report on House Bill No. 150 by the following vote: Yeas, 29; Nays, 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 168 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 168, A bill to be entitled "An Act creating a Special Road Law for DeWitt County, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 168 ON THIRD READING

Mr. Bell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 168 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—137

Allen
Allison

Alsup
Anderson

Bailey
Baker
of Fort Bend
Baker of Grayson
Bell
Blankenship
Bond
Boyd
Boyer
Bradbury
Bradford
Bray
Bridgers
Broadfoot
Brown of Cherokee
Brown
of Nacogdoches
Bundy
Burkett
Burney
Cauthorn
Celaya
Chambers
Clark
Cleveland
Cockrell
Coleman
Colquitt
Colson, Mrs.
Cornett
Crossley
Daniel
Davis of Jasper
Davis of Upshur
Derden
Dickson
Dowell
Dwyer
Faulkner
Felty
Ferguson
Fielden
Fuchs
Galbreath
Gilmer
Goodman
Gordon, Mrs.
Hale
Hamilton
Hankamer
Hardeman
Hardin
Harp
Harrell of Bastrop
Harrell of Lamar
Harris
Hartzog
Heflin
Holland
Howington
Hull
Hunt
Isaacks

Johnson of Ellis
Johnson of Tarrant
Keith
Kennedy
Kern
Kerr
Kersey
Kinard
King
Langdon
Lehman
Leonard
Leyendecker
Little
Lock
Loggins
London
Mays
McAlister
McDaniel
McDonald
McFarland
McMurry
McNamara
Mohrmann
Monkhouse
Montgomery
Morris
Nicholson
Oliver
Pace
Petsch
Pevehouse
Piner
Pope
Reader of Erath
Reaves
Reed
Rhodes
Riviere
Roach
Roberts
Robinson
Russell
Schuenemann
Segrist
Shell
Skiles
Smith of Frio
Smith of Hopkins
Smith
of Matagorda
Spencer
Stoll
Talbert
Tarwater
Taylor
Tennant
Thornberry
Thornton
Turner
Vale
Vint

Waggoner	Wilson
Weldon	Winfree
Wells	Wood
Westbrook	Worley
White	Wright

Present—Not Voting

Stinson

Absent

Corry	Howard
Dean	Newell
Dickison	Olsen
Donaghey	Ragsdale
Harper	Reader of Bexar

Absent—Excused

Voigt

The Speaker then laid Senate Bill No. 168 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—125

Allen	Faulkner
Allison	Felty
Alsup	Ferguson
Anderson	Fielden
Bailey	Fuchs
Baker	Galbreath
of Fort Bend	Gilmer
Baker of Grayson	Gordon, Mrs.
Bell	Hale
Bond	Hamilton
Boyd	Hardeman
Boyer	Hardin
Bradbury	Harp
Bradford	Harper
Bray	Harrell of Bastrop
Broadfoot	Harrell of Lamar
Brown of Cherokee	Harris
Bundy	Heflin
Burkett	Holland
Burney	Howington
Cauthorn	Hunt
Celaya	Isaacks
Chambers	Johnson of Ellis
Clark	Johnson of Tarrant
Cleveland	Keith
Cockrell	Kennedy
Coleman	Kern
Colson, Mrs.	Kinard
Cornett	King
Crossley	Langdon
Davis of Jasper	Lehman
Davis of Upshur	Leonard
Dean	Leyendecker
Derden	Little
Dickson	Lock
Donaghey	Loggins
Dowell	London

Mays	Smith of Frio
McAlister	Smith of Hopkins
McDaniel	Smith
McFarland	of Matagorda
McMurry	Spencer
McNamara	Stinson
Mohrmann	Stoll
Monkhouse	Talbert
Montgomery	Tarwater
Morris	Taylor
Nicholson	Tennant
Oliver	Thornberry
Pace	Thornton
Petsch	Turner
Pevehouse	Vale
Piner	Vint
Reader of Erath	Waggoner
Reaves	Weldon
Reed	Wells
Rhodes	Westbrook
Riviere	White
Roach	Wilson
Roberts	Winfree
Robinson	Wood
Russell	Worley
Segrist	Wright
Skiles	

Present—Not Voting

Goodman

Kersey

Absent

Blankenship	Howard
Bridgers	Hull
Brown	Kerr
of Nacogdoches	McDonald
Colquitt	Newell
Corry	Olsen
Daniel	Pope
Dickison	Ragsdale
Dwyer	Reader of Bexar
Hankamer	Schuenemann
Hartzog	Shell

Absent—Excused

Voigt

HOUSE BILL NO. 354 ON PASSAGE TO ENGROSSMENT

Mr. Reader of Erath moved that all necessary House Rules, and the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 354 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—131

Allen	Alsup
Allison	Anderson

Bailey	Kennedy
Baker	Kern
of Fort Bend	Kersey
Baker of Grayson	Kinard
Bell	King
Blankenship	Langdon
Bond	Lehman
Boyd	Leonard
Boyer	Leyendecker
Bradbury	Little
Bradford	Lock
Bray	Loggins
Broadfoot	London
Brown of Cherokee	Mays
Brown	McAlister
of Nacogdoches	McDonald
Bundy	McFarland
Burkett	McMurry
Burney	McNamara
Cauthorn	Mohrmann
Chambers	Monkhouse
Clark	Montgomery
Cleveland	Morris
Cockrell	Newell
Coleman	Oliver
Colson, Mrs.	Pace
Cornett	Pevehouse
Crossley	Piner
Daniel	Reader of Bexar
Davis of Jasper	Reader of Erath
Davis of Upshur	Reaves
Dean	Reed
Derden	Rhodes
Dickson	Riviere
Donaghey	Roach
Dwyer	Roberts
Faulkner	Robinson
Felty	Russell
Ferguson	Schuenemann
Fielden	Segrist
Fuchs	Shell
Galbreath	Skiles
Gilmer	Smith of Frio
Goodman	Smith of Hopkins
Gordon, Mrs.	Spencer
Hale	Stinson
Hamilton	Stoll
Hankamer	Talbert
Hardeman	Tarwater
Hardin	Taylor
Harp	Tennant
Harper	Thornberry
Harrell of Bastrop	Thornton
Harrell of Lamar	Turner
Harris	Vale
Hartzog	Vint
Heflin	Waggoner
Holland	Weldon
Howington	Wells
Isaacks	Westbrook
Johnson of Ellis	White
Johnson of Tarrant	Wilson
Keith	Winfree

Wood	Wright
Worley	Absent
Bridgers	Kerr
Celaya	McDaniel
Colquitt	Nicholson
Corry	Olsen
Dickison	Petsch
Dowell	Pope
Howard	Ragsdale
Hull	Smith
Hunt	of Matagorda

Absent—Excused

Voigt

The Speaker then laid before the House, on its passage to engrossment,

H. B. No. 354, A bill to be entitled "An Act to permit the killing and annihilating of fox in Erath and Hood Counties, and declaring an emergency."

The bill having heretofore been read second time.

H. B. No. 354 was passed to engrossment.

HOUSE BILL NO. 354 ON THIRD READING

The Speaker then laid House Bill No. 354 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—130

Allen	Clark
Allison	Cleveland
Alsup	Cockrell
Anderson	Coleman
Bailey	Colquitt
Baker	Colson, Mrs.
of Fort Bend	Cornett
Baker of Grayson	Crossley
Bell	Daniel
Blankenship	Davis of Jasper
Bond	Davis of Upshur
Boyd	Dean
Boyer	Derden
Bradbury	Dickson
Bradford	Faulkner
Bray	Felty
Broadfoot	Ferguson
Brown of Cherokee	Fielden
Brown	Fuchs
of Nacogdoches	Galbreath
Bundy	Gilmer
Burkett	Goodman
Burney	Gordon, Mrs.
Cauthorn	Hale
Chambers	Hamilton

Hankamer	Petsch
Hardeman	Pevehouse
Hardin	Piner
Harp	Pope
Harper	Reader of Erath
Harrell of Bastrop	Reaves
Harris	Reed
Hartzog	Rhodes
Heflin	Riviere
Holland	Roach
Howington	Roberts
Hunt	Robinson
Isaacks	Russell
Johnson of Ellis	Segrist
Johnson of Tarrant	Skiles
Keith	Smith of Frio
Kennedy	Smith of Hopkins
Kern	Smith
Kersey	of Matagorda
Kinard	Spencer
King	Stinson
Langdon	Stoll
Lehman	Talbert
Leonard	Tarwater
Leyendecker	Taylor
Little	Tennant
Lock	Thornberry
Loggins	Thornton
London	Turner
Mays	Vale
McAlister	Vint
McDaniel	Waggoner
McDonald	Weldon
McFarland	Wells
McMurry	Westbrook
McNamara	White
Mohrmann	Wilson
Montgomery	Winfree
Morris	Wood
Newell	Worley
Oliver	Wright
Pace	

Nays—1

Nicholson

Absent

Bridgers	Hull
Celaya	Kerr
Corry	Monkhouse
Dickison	Olsen
Donaghey	Ragsdale
Dowell	Reader of Bexar
Dwyer	Schuenemann
Harrell of Lamar	Shell
Howard	

Absent—Excused

Voigt

HOUSE BILL NO. 74 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 74, A bill to be entitled "An Act creating a State Bar, constituting it an administrative agency of the judicial department of the State, defining the powers thereof, prescribing the membership thereof, and prohibiting those not members from practicing law; empowering the Supreme Court to adopt and promulgate rules and regulations for the admission to the practice of law, disciplining, suspending, and disbarring attorneys at law; for the conduct of the State Bar; prescribing a code of ethics governing the conduct of the members prescribing and limiting the fees to be paid by members, collection and disbursement thereof; preserving the right of trial by jury in disbarment proceedings; providing for repeal of all laws in conflict, and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Davis of Upshur, pending.

Question—Shall the amendment by Mr. Davis of Upshur be adopted?

REQUESTING CERTAIN OPINION OF THE ATTORNEY GENERAL

Mr. Harrell of Lamar, by unanimous consent of the House, offered the following resolution:

H. S. R. No. 134, Requesting certain opinion of the Attorney General.

Whereas, House Bill No. 8, Chapter 495, of the General and Special Laws of the Forty-fourth Legislature, Third Called Session of 1936, contains a Section which is designated therein Section 4 of said Act which reads as follows:

"Section 4. In determining the eligibility of an applicant for assistance under this Act, it shall be the duty of the Commissioner to consider and take into account all facts and circumstances surrounding the applicant, including his earning capacity and his opportunity to obtain support from other sources, and if from all of the facts and circumstances, the applicant does not appear to be in a needy and necessitous condition, assistance shall be denied. In calculating income and resources of the applicant, the Commission shall take into account all money received by gift, device or descent"; and

Whereas, The Old Age Assistance Commission and/or the Director of Old Age Assistance, and/or the Board

of Control have heretofore interpreted said Act to give authority to said Commission and Director thereof, the right to construe said Act to give authority and take into consideration not only the status of the applicant, but the status and financial ability of child, children and relatives to furnish such support; and

Whereas, The children of an applicant, nor other relatives are legally liable for the support of the aged needy parents or relatives; and

Whereas, Such construction has led to unnecessary expense of investigation and has served to deprive many aged needy of this State from receiving just consideration of their applications; and

Whereas, It is thought that said Section 4, nor any other part of said Act would authorize the taking into consideration the status of such people, nor the status of any person other than the applicant; and

Whereas, The Attorney General of Texas has not heretofore construed said Act nor written an interpretation upon said Section 4 or any other part of said Act; and

Whereas, It is thought to be unreasonable to place any construction upon such Act which would require persons not legally liable to furnish support in passing upon eligibility.

Whereas, It is further believed that a reasonable construction of said Act, under the circumstances would result or should result in a determination that said Act and especially Section 4 thereof should be construed to mean that such support from other sources has reference to, and is applicable to the status of the applicant and no other person; and

Whereas, This Legislature should be advised by the Attorney General of what would be a fair interpretation of the intent of the Legislature in passing said Act; and

Whereas, Such interpretation constitutes an emergency and an imperative public necessity at this time to the end that it may afford relief to many aged, dependent, necessitous and needy persons in this State, otherwise eligible to support and assistance under said Act; now, therefore, be it

Resolved by the House of Representatives, That the Attorney General of this State be requested to review said Act and especially Section 4,

thereof, and to advise this Legislature of what would be in his opinion a fair, just and reasonable interpretation of such Act, especially Section 4 thereof; and, be it further

Resolved, That while Section 4 is mentioned in this resolution that the Attorney General be requested to give his opinion on any features or provisions of said Act as to the matters or things, hereinabove, set out and so it is resolved.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 252 ON SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 252, A bill to be entitled "An Act to authorize all county line independent school districts partly situated in three (3) or more counties, the supervision of said school being located in counties having a population of not less than seventeen thousand (17,000) nor more than seventeen thousand, five hundred (17,500) as shown by the last preceding Federal Census; to pay present outstanding legal indebtedness of said county line independent school districts, by refunding warrants to bear interest of not more than six (6%) per cent per annum, and to be payable out of a portion of the local maintenance taxes, and declaring an emergency."

The bill was read second time.

Mr. Davis of Jasper offered the following amendments to the bill:

Amend House Bill No. 252, by adding a new Section to be known as Section 5, to read as follows:

"Section 5. The fact that the districts affected by this Act are in danger of having their schools closed, creates an emergency and an imperative public necessity requiring that bills be read on three separate days in each House shall be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and be it so enacted."

Amend the caption of House Bill No. 252 to conform to body of bill.

The amendments were severally adopted.

House Bill No. 252 was then passed to engrossment.

HOUSE BILL NO. 252 ON THIRD READING

Mr. Davis of Jasper moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 252 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—133

Allison	Galbreath
Alsup	Gilmer
Anderson	Goodman
Bailey	Gordon, Mrs.
Baker	Hale
of Fort Bend	Hamilton
Baker of Grayson	Hankamer
Bell	Hardeman
Blankenship	Harp
Bond	Harper
Boyd	Harrell of Bastrop
Boyer	Harrell of Lamar
Bradbury	Harris
Bradford	Hartzog
Bray	Heflin
Broadfoot	Holland
Brown of Cherokee	Howington
Brown	Hunt
of Nacogdoches	Isaacks
Bundy	Johnson of Ellis
Burkett	Johnson of Tarrant
Burney	Keith
Cauthorn	Kennedy
Celaya	Kern
Chambers	Kersey
Clark	Kinard
Cleveland	King
Cockrell	Langdon
Coleman	Lehman
Colquitt	Leonard
Colson, Mrs.	Leyendecker
Cornett	Little
Corry	Lock
Crossley	Loggins
Daniel	London
Davis of Jasper	Mays
Davis of Upshur	McAlister
Dean	McDaniel
Derden	McDonald
Dickson	McMurry
Donaghey	McNamara
Dowell	Mohrmann
Dwyer	Monkhouse
Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fielden	Oliver
Fuchs	Petsch

Piner	Stinson
Pope	Talbert
Reader of Erath	Tarwater
Reaves	Taylor
Reed	Tennant
Rhodes	Thornberry
Riviere	Thornton
Roach	Turner
Roberts	Vale
Robinson	Vint
Russell	Waggoner
Schuenemann	Weldon
Segrist	Wells
Shell	Westbrook
Skiles	White
Smith of Frio	Wilson
Smith of Hopkins	Winfree
Smith	Wood
of Matagorda	Worley
Spencer	Wright

Absent

Allen	Nicholson
Bridgers	Olsen
Dickison	Pace
Hardin	Pevehouse
Howard	Ragsdale
Hull	Reader of Bexar
Kerr	Stoll
McFarland	

Absent—Excused

Voigt

The Speaker then laid House Bill No. 252 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—130

Allison	Celaya
Alsup	Chambers
Anderson	Clark
Bailey	Cleveland
Baker	Cockrell
of Fort Bend	Coleman
Baker of Grayson	Colquitt
Bell	Colson, Mrs.
Blankenship	Cornett
Boyd	Corry
Boyer	Crossley
Bradbury	Daniel
Bradford	Davis of Upshur
Bray	Dean
Broadfoot	Derden
Brown of Cherokee	Dickson
Brown	Donaghey
of Nacogdoches	Dowell
Bundy	Dwyer
Burkett	Faulkner
Burney	Felty
Cauthorn	Ferguson

Fuchs	Mohrmann
Galbreath	Monkhouse
Gilmer	Montgomery
Gordon, Mrs.	Morris
Hale	Oliver
Hamilton	Petsch
Hankamer	Piner
Hardeman	Pope
Hardin	Reader of Erath
Harp	Reaves
Harper	Reed
Harrell of Bastrop	Rhodes
Harrell of Lamar	Riviere
Harris	Roach
Hartzog	Roberts
Heflin	Robinson
Howard	Russell
Howington	Schuenemann
Hull	Segrist
Hunt	Shell
Isaacks	Skiles
Johnson of Ellis	Smith of Hopkins
Johnson of Tarrant	Smith
Keith	of Matagorda
Kennedy	Spencer
Kern	Stinson
Kerr	Talbert
Kersey	Tarwater
Kinard	Taylor
King	Tennant
Langdon	Thornberry
Lehman	Thornton
Leonard	Turner
Leyendecker	Vint
Little	Waggoner
Lock	Weldon
Loggins	Wells
London	Westbrook
Mays	White
McAlister	Wilson
McDaniel	Winfree
McDonald	Wood
McFarland	Worley
McMurry	Wright
McNamara	

Absent

Allen	Nicholson
Bond	Olsen
Bridgers	Pace
Davis of Jasper	Pevehouse
Dickison	Ragsdale
Fielden	Reader of Bexar
Goodman	Smith of Frio
Holland	Stoll
Newell	Vale

Absent—Excused

Voigt

SPECIAL ORDER SET

Mr. Piner moved that House Bill No. 148 be set as a special order for

10:30 o'clock a. m., next Tuesday, February 21.

The motion prevailed by the following vote:

Yeas—130

Allen	Heflin
Allison	Holland
Alsup	Howington
Anderson	Hull
Bailey	Hunt
Baker	Isaacks
of Fort Bend	Johnson of Ellis
Baker of Grayson	Johnson of Tarrant
Bell	Keith
Blankenship	Kennedy
Boyd	Kern
Boyer	Kersey
Bradbury	Kinard
Bradford	King
Bray	Langdon
Broadfoot	Lehman
Brown of Cherokee	Leonard
Brown	Leyendecker
of Nacogdoches	Little
Bundy	Lock
Burkett	Loggins
Burney	London
Cauthorn	Mays
Chambers	McAlister
Clark	McDaniel
Cleveland	McDonald
Cockrell	McMurry
Coleman	McNamara
Colquitt	Mohrmann
Colson, Mrs.	Monkhouse
Cornett	Montgomery
Corry	Morris
Crossley	Newell
Daniel	Oliver
Davis of Upshur	Petsch
Dean	Pevehouse
Derden	Piner
Dickson	Pope
Donaghey	Reader of Erath
Dowell	Reaves
Dwyer	Reed
Faulkner	Rhodes
Felty	Riviere
Ferguson	Roach
Fielden	Roberts
Galbreath	Robinson
Gilmer	Russell
Gordon, Mrs.	Schuenemann
Hale	Segrist
Hamilton	Shell
Hankamer	Skiles
Hardeman	Smith of Frio
Hardin	Smith of Hopkins
Harp	Smith
Harrell of Bastrop	of Matagorda
Harrell of Lamar	Spencer
Harris	Stinson

Stoll	Weldon
Talbert	Wells
Tarwater	Westbrook
Taylor	White
Tennant	Wilson
Thornberry	Winfree
Thornton	Wood
Turner	Worley
Vint	Wright
Waggoner	

Absent

Bond	Howard
Bridgers	Kerr
Celaya	McFarland
Davis of Jasper	Nicholson
Dickison	Olsen
Fuchs	Pace
Goodman	Ragsdale
Harper	Reader of Bexar
Hartzog	Vale

Absent—Excused

Voigt

BILLS AND RESOLUTION SIGNED
BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 301, "An Act prohibiting the taking of fur-bearing animals in Shelby County; providing a suitable penalty for violation of this Act, and declaring an emergency."

H. B. No. 432, "An Act to amend Section 1 of Article 952 of the Penal Code, by adding thereto Wilson County, and declaring an emergency."

H. B. No. 212, "An Act creating a Special Road Law for Hamilton County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of the 1st day of January, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County and the officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relat-

ing to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 134, "An Act prohibiting the setting of any steel trap, snare, or deadfall in Panola County for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

S. B. No. 53, "An Act relative to the term of leases on prison lands, and declaring an emergency."

H. C. R. No. 38, Recalling House Bill No. 378 from the Governor.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 43, to the Committee on Counties.

IN MEMORY OF HON. F. C.
WEINERT

Mr. Hartzog moved that the Chief Clerk of the House be instructed to send a floral offering from the House of Representatives to the funeral of Hon. F. C. Weinert, a former Member of the House, who died Thursday, February 16, 1939, and that when the House adjourns today it do so out of respect to the memory of Hon. F. C. Weinert.

The motion prevailed.

ADJOURNMENT

Mr. Keith moved that the House recess until 10:00 o'clock a. m., next Monday.

Mr. Anderson moved that the House adjourn until 10:00 o'clock a. m., next Monday, and that in so doing they adjourn out of respect to the memory of Hon. F. C. Weinert.

The motion of Mr. Anderson prevailed, and the House, accordingly, at 12:50 o'clock p. m., adjourned, out of respect to the memory of Hon. F. C. Weinert, until 10:00 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: House Bill No. 21.

Counties: House Bills Nos. 239, 303, 357, 500 and 533.

Highways and Motor Traffic: House Bill No. 283.

Judiciary: House Bills Nos. 36 and 38.

Conservation and Reclamation: Senate Bill No. 159.

State Affairs: House Bills Nos. 70 and 542.

The Committee on Appropriations filed an adverse report on House Bill No. 285.

The Committee on Appropriations filed an adverse report with a minority favorable report on House Bill No. 11.

The Committee on Judiciary filed an adverse report on House Bill No. 34.

REPORTS OF THE COMMITTEE
ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 123, A bill to be entitled "An Act to authorize all independent school districts in certain counties to pay present outstanding legal indebtedness of the said school districts by refunding warrants to bear interest of not more than 6% per annum, and to be payable out of a portion of the local maintenance taxes, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 37, Resolving that the Board of Control and the Director of the Texas Old Age Assistance Commission so instruct their agents that in the future they shall understand

and interpret said Act, and the Legislative intent thereof to mean that in interpreting said Act it was the intent when said Act was written and is now the intent of said Act, that need shall not be determined on any other basis than the status of such applicant, and shall not be based upon the status of child, children, relatives, or charity.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 38, Requesting the Governor to return to the House of Representatives, House Bill No. 378, for further consideration.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE
ON ENROLLED BILLS

Committee Room,

Austin, Texas, February 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 38, Recalling House Bill No. 378 from the Governor.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 212, "An Act creating a Special Road Law for Hamilton County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of the 1st day of January, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County and the officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall

be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 134, "An Act prohibiting the setting of any steel trap, snare, or deadfall in Panola County for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 432, "An Act to amend Section 1 of Article 952 of the Penal Code of Texas, by adding thereto Wilson County, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, February 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 301, "An Act prohibiting the taking of fur-bearing animals in Shelby County; providing a suitable penalty for violation of this Act; repealing all laws or parts of laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

February 16, 1939

House Bill No. 212.

House Bill No. 134.

House Bill No. 432.

House Bill No. 301.

House Concurrent Resolution No. 38.

TWENTY-FOURTH DAY

(Monday, February 20, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Dickson
Allen	Dickson
Allison	Dowell
Alsup	Dwyer
Anderson	Faulkner
Bailey	Ferguson
Baker	Fielden
of Fort Bend	Fuchs
Baker of Grayson	Galbreath
Bell	Gilmer
Blankenship	Goodman
Bond	Gordon, Mrs.
Boyd	Hale
Boyer	Hamilton
Bradbury	Hankamer
Bradford	Hardeman
Bray	Hardin
Bridgers	Harp
Broadfoot	Harper
Brown of Cherokee	Harrell of Bastrop
Brown	Harrell of Lamar
of Nacogdoches	Harris
Bundy	Hartzog
Burkett	Heflin
Burney	Holland
Cauthorn	Howard
Celaya	Howington
Chambers	Hull
Clark	Hunt
Cleveland	Isaacks
Cockrell	Johnson of Ellis
Coleman	Johnson of Tarrant
Colquitt	Kennedy
Colson, Mrs.	Kern
Cornett	Kerr
Corry	Kersey
Crossley	Kinard
Daniel	King
Davis of Jasper	Langdon
Davis of Upshur	Lehman
Dean	Leonard
Derden	Leyendecker